

18.11.2025
Item no. 22 (DL)
Court No.3
AN
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
CRIMINAL MISCELLANEOUS JURISDICTION**

C.R.M. (A) 735 of 2025

In Re:- An application for anticipatory bail under Section 482 of BNSS, 2023 in connection with GR Case No. 268 of 2025 arising out of **Samuktala P.S. Case No. 38 of 2025 dated 18.02.2025** under Sections 69/115(2)/74/109(1)/3(5) BNS pending before the Court of the learned Chief Judicial Magistrate at Alipurduar.

In the matter of : **Pawan Kumar Sahani**

... Petitioner.

Mr. Bibek Tarafdar

...for the Petitioner.

Mr. Abhijit Sarkar

Mr. Dhiman Sil

...for the State.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Learned Advocate for the petitioner submits that the petitioner and the victim were in love relationship. While the negotiation of the marriage between the petitioner and the victim was in progress, a dispute cropped up which led to filing of the F.I.R. There are no elements of deceit being perpetrated by the petitioner misleading the victim to give her consent to enter into physical relationship with the petitioner. Rather the alleged sexual intercourse has taken place with the consent of the parties, both of whom are

major. The other co-accused have been granted bail as well as anticipatory bail by the Court. He seeks for grant of anticipatory bail in favour of the petitioner.

3. Opposing such prayer for anticipatory bail, learned advocate for the State submits that as per the statement of the victim, there are serious allegations against the petitioner of his involvement in the alleged offence and also assaulting the victim at the time when she visited the house of the petitioner for negotiation of marriage. The injury report is supportive of such fact. He seeks for dismissal of the anticipatory bail application.
4. Perused the case diary and the materials on record.
5. Despite service, none appears on behalf of the *de facto* complainant.
6. Admittedly, the petitioner and the victim had love relationship. The statement of the victim shows that they have visited the Kumbh Mela together. Both the victim and the petitioner are majors. For such reason, the argument pressed into service on behalf of the petitioner that the alleged sexual intercourse has taken place with the consent of the parties appears to have substance. The allegation of assault by a knife is not against this petitioner. Considering the above, I am inclined to grant anticipatory bail to this petitioner.

7. Accordingly, in the event of arrest, the petitioner, namely **Pawan Kumar Sahani** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall meet the Investigating Officer of the case, once every fortnight until further orders.
8. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned trial Court shall be entitled to cancel the anticipatory bail without further reference to this Court.
9. This application for anticipatory bail is, thus, allowed.
10. **CRM (A) 735 of 2025** stands disposed of.
11. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance of all requisite formalities.

(Bivas Pattanayak, J.)